

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA DIVISION**

TENTATIVE RULINGS

EVENT DATE: 12/12/2016
JUDICIAL OFFICER: Kevin DeNoce

EVENT TIME: 08:20:00 AM

DEPT.: 43

CASE NUM: SC038898

CASE TITLE: CARDSERVICE INTERNATIONAL INC. VS ARTASHES BALYAN

CASE CATEGORY: Civil - Limited

CASE TYPE: Misc Complaints - Other

EVENT TYPE: Motion to Set Aside Judgment - Lien, Request for Order of Cancellation of Lien, Request for an Order
CAUSAL DOCUMENT/DATE FILED: Motion to Set Aside Judgment, 11/08/2016

The morning calendar in courtroom 43 will begin at 9 a.m. Cases including *ex parte* matters will not be called prior to 9 a.m. Please check in with the courtroom clerk by no later than 8:45 a.m. If appearing by CourtCall, please call in between 8:35 and 8:45 a.m.

With respect to the below scheduled tentative ruling, no notice of intent to appear is required. If you wish to submit on the tentative decision, you can send an email to the court at: Courtroom43@ventura.courts.ca.gov or send a telefax to Judge DeNoce's secretary, Hellmi McIntyre at 805-477-5894, stating that you submit on the tentative. Do not call in lieu of sending an email or telefax. If you submit on the tentative without appearing and the opposing party appears, the hearing will be conducted in your absence. This case has been assigned to Judge DeNoce for all purposes.

Absent waiver of notice and in the event an order is not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.

For general information regarding Judge DeNoce and his courtroom rules and procedures, please visit:
<http://www.denoce.com>

The court's tentative ruling is as follows:

As to the procedural issue of the judgment being unenforceable, the court rejects that argument and finds that while the 8/10/14 judgment was set aside, the parties stipulated to a judgment entered on 6/14/05, and it is that judgment that underlies the 7/11/05 abstract of judgment and 1/30/14 notice of renewal of judgment (and any corresponding liens). This Court is concerned as to whether this issue is even ripe for the court to address since no lien has yet to attach to any property. According to Defendant, "the recorded liens remain outstanding and will attach to any and all real property Defendant acquires in the future unless this [Court] provides Defendant an Order specifically stating that the liens are void and unenforceable which the Defendant can record himself." Finally, why isn't Balyan seeking relief for this matter in Bankruptcy Court?